

REMARKS

Applicants have thoroughly considered the Examiner's remarks and respectfully request reconsideration of the application in light of above amendments and the following remarks. Claims 1 and 3-22 are presented in the application for reconsideration.

The typo in claim 3 has been corrected so that the objection should be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because there is insufficient antecedent basis for "the portable computer readable medium." The preamble of claim 1 has been amended to provide antecedent basis. Applicants therefore submit that amended claim 1 is in compliance with the second paragraph of 35 U.S.C. 112.

Claim Rejections - 35 U.S.C. § 103

Claims 1-14 stand rejected under 35 U.S.C. 103 (a) as being obvious over U.S. Patent No. 5,659,614 to Bailey, III (Bailey) in view of U.S. Patent No. 6,049,874 to McClain et al. (McClain).

Claim 1 has been amended to recite "said instructions for selectively transferring including instructions for causing, during file transfer, the second computer to be directly accessed via the Internet, without establishing communication via a server, by the first computer and without passing through any intermediate computer between the first and second computer...." Thus, Bailey and McClain are no longer applicable since both teach a server or intermediate computer. Accordingly, claims 1 and 3-12 are patentable.

Claim 13 has been amended to recite both aspects of the invention in combination. In particular, claim 13 recites "transferring the designated files from the first computer to the second computer via the Internet when the transferred files are less than a target amount" in combination with "transferring the designated files from the first computer directly to a portable computer readable storage medium when the files are greater than the target amount; and transferring the designated files directly from the portable computer readable storage medium to the destination computer." Thus, Bailey and McClain are no

longer applicable since both teach only an incomplete part of the former aspect and not both aspects in combination. Accordingly, claims 13 and 14 are patentable.

Further, claim 14 recites that the user specified target amount affects both aspects, a feature not in any cited reference. Accordingly, claim 14 is patentable.

In view of the foregoing, applicants submit that independent claims 1, 13 and 15 are allowable over the cited art. The remaining dependent claims are believed to be allowable for at least the reasons noted above and for same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating applicants' agreement therewith.

The applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicants submit herewith the additional claims fee. The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,

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